

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:04-CR-287
	:	
v.	:	(Chief Judge Conner)
	:	
ALTIMONT WILKS,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 11th day of January, 2017, upon consideration of the *pro se* motion (Doc. 144) filed by defendant Altimont Wilks, wherein defendant, for the second time, requests early termination of the term of supervised release imposed on November 16, 2005, (see id.; see also Doc. 141), and wherein defendant indicates that he was discharged from his federal term of imprisonment on June 13, 2013, and was immediately transferred to Maryland state authorities to begin serving a pending term of eight (8) years imprisonment in the Maryland State Corrections system, (see Doc. 144 ¶¶ 2-3), and the court observing that the decision whether to terminate or modify a term of supervised release typically lies within the sound discretion of the trial court, Burkey v. Marberry, 556 F.3d 142, 149 (3d. Cir. 2009), and is governed by 18 U.S.C. § 3583(e)(1), which allows a court to “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice,” 18 U.S.C. § 3583(e)(1), but further observing, as we did in denying defendant’s first motion for early termination, (see Doc. 142), that supervision does not commence

until a defendant completes *all* terms of imprisonment, to wit: the term of release “does not run during any period in which the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than 30 consecutive days,” 18 U.S.C. § 3624(e), and that as a result of defendant’s continued incarceration, his term of supervised release has not yet commenced, it is hereby ORDERED that defendant’s motion (Doc. 144) is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania